

MAY 11, 2010

TO: WATER POLICY INTERIM COMMITTEE
WALTER McNUTT, Chairperson

FROM: DECREED WATER ADVOCATES,
LARRY LULOFF, Spokesperson

OPEN REQUEST:

Please consider drafting and presenting the following change to the 2011 Legislature for their approval.

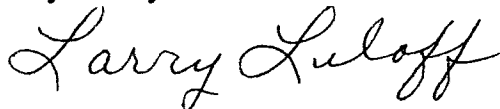
MCA 85-5-201 - It now reads "(1) Each water commissioner appointed by the judge of the district court for the purpose of distributing water has the authority to determine the appropriate quantity and distribute to the parties interested, under a decree, permit, certificate, or change in appropriation right, the water to which those who are parties to the decree or holders of a permit, certificate, or change in appropriation right, or privy to a permit, certificate, or change in appropriation right, are entitled, according to their priority as established by the decree, permit, certificate, or change in appropriation right."

MCA 85-5-201 stated (pre 2007) "Every water commissioner appointed by the judge of the district court for that purpose shall have the authority to admeasure and distribute to the parties interested, under such decree, permit or certificate, the water to which those who are parties to the decree or holders of a permit or certificate, or privy hereto, are entitled, according to their priority as established by the decree, permit, or certificate.

Please strike the wordage of "determine the appropriate quantity" and return to it original Pre-2007 wordage of "admeasure".

The reason for the change request is that the Decreed Water Advocates do not want to grant a water commissioner the authority to guess about a volume of water. For example, how does one guess volume on a ditch close to Park City that is 16 feet wide and 8 feet deep at what velocity? We wish to protect the decreed water holders who obtained their water right concerning volume from a Court of the State of Montana. Usually these decrees are a hundred plus years old.

Thank you for your consideration.



Larry Luloff, spokesperson for
DECREED WATER ADVOCATES